

STAFF REPORT

Meeting Date: April 16, 2003

TO: LAFCO Commissioners
FROM: Everett Millais, Executive Officer
SUBJECT: Commissioner's Handbook Revisions

RECOMMENDATION:

- A. Adopt the attached Resolution amending the Commission's By-Laws concerning the time and place of meetings. (6 votes required)
- B. Adopt the attached Resolution amending the Commission's Protocols relating to the general order of business, the Financial Policies relating to budget preparation and administration, and policies relating to the delegation of conducting authority functions. (4 votes required)

DISCUSSION:

The Commissioner's Handbook is the compilation of the Commission's By-laws and policies and procedures. The current Handbook became effective on January 1, 2002. To date there have been three amendments to add or clarify specific policies. The Handbook is designed to be reviewed and updated periodically as the Commission may want to add or alter policies to deal with new or changed circumstances. In fact, Section 1.3.9.1 requires the biennial review of the protocols by the Commission.

In working with the Handbook since January 1, 2002, several amendments are now recommended. Three of the amendments are proposed by staff for both clarification and efficiency of workflow. One has been proposed by a member of the public. The attached, recommended resolutions have been prepared in legislative format (additions underlined, deletions crossed out) so the Commission can easily see the changes recommended. Staff considers each of these recommended revisions to be minor.

COMMISSIONERS AND STAFF

COUNTY: Steve Bennett Kathy Long <i>Alternate:</i> Linda Parks	CITY: John Zaragoza, Vice Chair Evaristo Barajas <i>Alternate:</i> Don Waunch	SPECIAL DISTRICT: Jack Curtis Dick Richardson <i>Alternate:</i> Ted Grandsen	PUBLIC: Louis Cunningham, Chair <i>Alternate:</i> Kenneth M. Hess
EXECUTIVE OFFICER: Everett Millais	PLANNER III: Hollie Brunsky	CLERK: Debbie Schubert	LEGAL COUNSEL: Noel Klebaum

By-Laws Amendment:

The recommended change to the Commission's By-Laws is to recognize the practice of the Commission not to hold regular meetings in the months of August and December. This change will "memorialize" this practice, making it clear for the public and will also mean that meeting cancellation notices for the regular meetings of August and December do not have to be mailed to all cities and districts and interested public on our agenda distribution list, and do not have to be posted on the web site.

The By-Laws provide that they can be amended at any time by a 4/5's vote of the Commission. Thus, 6 affirmative votes are required for this change.

Protocols – Order of Business Amendment:

At the March 16 meeting during Public Comment, Don Hollingsworth submitted the attached letter requesting that the Commission formally have an item on each agenda titled "Informational/Correspondences." Mr. Hollingsworth's request relates mainly to having a listing on the agenda of all general correspondence addressed to the Commission that does not relate to an application on file. He is aware that any correspondence relating to any pending agenda item will be forwarded to the Commission as a part of that agenda item.

Mr. Hollingsworth is familiar with the Board of Supervisors meeting agendas that routinely contain a separate "Informational Agenda." The Board of Supervisors Informational Agenda contains the following descriptive language:

"INFORMATIONAL AGENDA

The following matters are being presented to the Board for information. These items require no action or are not ready for Board consideration. The Clerk of the Board may refer these matters to the County Departments and Agencies for acknowledgement, investigation and report back, direct action or response as appropriate. Report back to the Board may appear on Agenda for action by the Board of Supervisors or for informational purposes upon dates indicated below as appropriate."

In reviewing this request it should be noted that the Commission very seldom receives correspondence that is not related to some pending application. Also, in staff's informal review of city council and special district board agendas, only a few other agencies in the County have such an agenda listing. Nonetheless, having such a listing may increase public awareness and involvement and, therefore, adding a "Correspondence Received" item to the formal order of business listing as a part of the Commission's protocols is recommended. This will also allow for the Commission to provide direction to staff about any general correspondence received.

Budget Preparation & Administration Policies Amendment:

Current policies require that the Executive Officer provide the Commission with a quarterly budget report, "...at the next regular meeting of the Commission following the end of each quarter of the fiscal year." The problem with this policy is that, depending on the day of the month a quarter ends and the Commission's meeting schedule, full and complete budget information for the prior quarter may not be available. This is always true of the 4th quarter of the fiscal year where year-end budget data is never available in time for action at the Commission's July meeting.

The recommended change requires that the quarterly budget report be presented at the next regular meeting of the Commission after the quarterly budget information is available. This will prevent having budget information handed out at the last minute or having the quarterly budget report listed as an agenda item and then continued in July of each year.

Conducting Authority Functions and Responsibilities Amendment:

Conducting Authority hearings are necessary whenever all the property owners in an area proposed for a change of organization or reorganization do not consent to the proposal and/or when there are 12 or more registered voters in a proposal area and one or more objects to the proposal in writing. The purpose of conducting authority hearings is only to collect written protests. In this regard classifying these proceedings as a hearing is somewhat of a misnomer. While there must be an agenda for these proceedings, an opportunity for public comment and a record maintained (minutes), there is absolutely no discretion involved. In this sense, these proceedings are administrative only and only for the purpose of collecting written protests. Within 30 days following the conducting authority hearing the law requires that there be a determination of the value of written protests filed.

The legislature recognized the administrative nature of these proceedings and the law allows for the Commission to delegate these functions to the Executive Officer. In April 2001 the Commission adopted a resolution delegating conducting authority functions and responsibilities to the Executive Officer. This not only frees the Commission from attending "hearings" simply to collect written protests, it also avoids having to call special meetings of the Commission to meet the mandatory time limits for the hearing and other actions specified in the law. This delegation of authority was unclear, however, about whether or not it also included authority for the Executive Officer to complete proceedings if the value or number of protests received is less than the thresholds in the law that require some further action by the Commission. The recommended policy amendment clarifies that the Executive Officer may complete proceedings if the value and/or number of protests is less than the threshold percentages in the law that require action by the Commission to either alter the boundaries of the proposal, terminate proceedings or call an election. This policy amendment is consistent with recent practice, as the Commission has delegated this authority case-by-case as a part of the terms and conditions of approval.

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION AMENDING DIVISION 1 –
OPERATIONAL RULES & POLICIES, CHAPTER 1 – BY-
LAWS, SECTION 1.1.5.1 RELATING TO THE TIME AND
PLACE FOR MEETINGS**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) requires each Local Agency Formation Commission (LAFCO) to adopt written policies and procedures; and

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) adopted a new and revised Commissioner's Handbook containing its written policies and procedures, effective January 1, 2002, and

WHEREAS, the Commission has the authority to amend the policies and procedures contained in the Commissioner's Handbook based on changes in law, local policies, and operational procedures; and

WHEREAS, the Ventura LAFCO does not schedule or hold regular meetings during the months of August and December, and

WHEREAS, amending the Commission's By-Laws to indicate that the Commission does not hold regular meeting in August and December will provide for more public disclosure about the operations of the Commission and reduce staff workflow,

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Ventura Local Agency Formation Commission hereby:

- (1) Amends Division 1 – Operational Rules & Policies, Chapter 1 – By-Laws, Section 1.1.5.1 Time And Place for meetings as shown on Exhibit A.
- (2) Directs the Executive Officer to compile this amendment in the form of replacement pages for the Commissioner's Handbook and distribute them to interested parties.

This resolution was adopted on April 16, 2003.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair, Ventura Local Agency Formation Commission

Exhibit A

SECTION 1.1.5 MEETINGS

1.1.5.1 Time and Place: Regular meetings of the Commission shall be held on the third Wednesday of each month at 9:00 a.m., except:

(a) that the regular meeting in June of each year shall be held on the second Wednesday of June at 9:00 a.m. to facilitate the adoption of the Ventura LAFCO budget, and

(b) no regular meetings are scheduled during the months of August and December.

The meetings shall be held in the meeting room of the Ventura County Board of Supervisors in the Administration Building of the County Government Center, 800 South Victoria Avenue, Ventura, California, unless otherwise specified by the Ventura LAFCO and noticed as required by law. Special meetings may be called pursuant to the provisions of the Government Code. The Ventura LAFCO may cancel or reschedule a meeting at their discretion provided that proper notice is given as required by law.

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION AMENDING THE
COMMISSION'S PROTOCOLS RELATING TO THE
GENERAL ORDER OF BUSINESS, THE FINANCIAL
POLICIES RELATING TO BUDGET PREPARATION AND
ADMINISTRATION, AND POLICIES RELATING TO THE
DELEGATION OF CONDUCTING AUTHORITY
FUNCTIONS**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) requires each Local Agency Formation Commission (LAFCO) to adopt written policies and procedures; and

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) adopted a new and revised Commissioner's Handbook containing its written policies and procedures, effective January 1, 2002, and

WHEREAS, the Commission desires to amend its protocols relating to the general order of business by adding an item relating to "correspondence received in order to increase public awareness and involvement; and

WHEREAS, the Commission desires to amend its operational policies to provide for the review of quarterly budget information at such time as accurate and complete quarterly budget information is available, and

WHEREAS, the Commission desires to further amend its operational policies to clarify the delegation of authorities to the Executive Officer relating to conducting authority proceedings to include the authority to complete proceedings unless written protests are filed that exceed the thresholds in law that require further action by the Commission, and

WHEREAS, on April 16, 2003, the Commission heard and considered the report of the Executive Officer, and the public had an opportunity to comment, about these amendments to the Commission's policies and procedures;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Ventura Local Agency Formation Commission hereby:

- (1) Amends Division 1 – Operational Rules & Regulation, Chapter 3 – Commission Protocols, Section 1.3.3.1 General Order of the Commissioner's Handbook relating to the order of business for LAFCO meetings as shown on Exhibit A.

- (2) Amends Division 2 – Operational Policies, Chapter 3 – Financial, Section 2.3.2.3 Preparation and administration of the Commissioner’s Handbook relating to the administration of the quarterly budget report as shown on Exhibit A.
- (3) Amends Division 2 – Operational Policies, Chapter 6 – Delegation of Authorities to Executive Officer, Section 2.6.1 of the Commissioner’s handbook relating to conducting authority functions and responsibilities as shown on Exhibit A.
- (4) Directs the Executive Officer to compile these amendments in the form of replacement pages for the Commissioner’s Handbook and distribute them to interested parties.

This resolution was adopted on April 16, 2003.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair, Ventura Local Agency Formation Commission

Exhibit A

(1) DIVISION 1 – OPERATIONAL RULES & regulations
CHAPTER 3 – COMMISSION PROTOCOLS
SECTION 1.3.3 ORDER OF BUSINESS

1.3.3.1 General Order: The business of the Ventura LAFCO at its meetings will be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

Call to Order.

Pledge of Allegiance

Roll Call

Presentations and Announcements

Minutes

Public Comment

Consent Items

Public Hearing Items

Action Items

Correspondence Received

Executive Officer's Report

Commissioner's Comments

Adjournment

(2) DIVISION 2 – OPERATIONAL POLICIES
CHAPTER 3 – FINANCIAL
SECTION 2.3.1 BUDGET POLICIES

2.3.2.3 Preparation and administration:

(a) The Executive Officer shall serve as budget administrator to prepare, present, transmit, review, execute and maintain the LAFCO budget consistent with state law.

(b) The Executive Officer shall provide the Commission with a quarterly budget report comparing expenditures to the adopted budget as soon as such information is available at ~~the next~~ a regular meeting of the Commission following the end of each quarter of the fiscal year.

(3) DIVISION 2 – OPERATIONAL POLICIES
CHAPTER 6 – DELEGATION OF AUTHORITIES TO EXECUTIVE OFFICER
SECTION 2.6.2 CONDUCTING AUTHORITY FUNCTIONS AND RESPONSIBILITIES

LAFCO has, by prior resolution, delegated the conducting authority functions and responsibilities to the Executive Officer pursuant to Government Code Section 57000. Such delegation is hereby confirmed including the authority for the Executive Officer to order a change of organization or reorganization that, in the case of inhabited territory, complies with Government Code Section 57075(a)(3), and, in the case of uninhabited territory, complies with Government Code Section 57075(b)(2).